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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 TERESA M. FELLER,

11 Plaintiff,

12 v.

13 INDYMAC MORTGAGE SERVICES, a  
14 Division of One West Bank; ONE WEST  
15 BANK, F.S.B.; AMERICAN GENERAL  
FINANCE; and REGIONAL TRUSTEE  
SERVICES CORPORATION,

16 Defendants.

Case No. 09-5720RJB

ORDER ON DEFENDANTS'  
MOTION TO CONTINUE TRIAL  
DATE

ORDER RE JOINT STATUS  
REPORT

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18 This matter comes before the Court on Defendants Indymac Mortgage Services and  
19 OneWest Bank's Motion to Continue Trial Date (Dkt. 21). The Court has considered the  
20 relevant documents and the remainder of the file herein.

21 **I. FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

22 On November 23, 2009, the Plaintiff, Teresa Feller, filed a Complaint against  
23 Defendants, Indymac Mortgage Services ("Indymac"), OneWest Bank, FSB ("OneWest"),  
24 American General Finance Services ("AGFS")<sup>1</sup>, and Regional Trustee Services Corporation  
25 ("Regional"), alleging conversion, fraud in the inducement, theft, conspiracy, and several other  
26 allegations involving a mortgage related to property owned by the Plaintiff. Dkt. 3. On

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28 <sup>1</sup>Defendant AGFS is misidentified in the Complaint as "American General Finance."

1 February 17, 2010, Defendants Indymac and OneWest filed a motion to continue trial date due to  
2 their counsel's continuing ailments. Dkt. 21. Defendants Indymac and OneWest state that it is  
3 their understanding that the remaining parties to this action do not oppose this motion. Dkt. 21,  
4 p. 1. There has been no opposition filed regarding this motion by the parties.

## 5 **II. DISCUSSION**

6 Defendants Indymac and OneWest request that the Court continue the trial date to  
7 provide enough time for the parties to engage in discovery and to effectively participate in the  
8 mediation process. Dkt. 21, p. 2. However, the trial date has not been set in this case because a  
9 Joint Status Report ("JSR") has not been filed by the parties. A trial date will not be set until a  
10 JSR has been received by the Court. It appears the Defendants are requesting an extension  
11 regarding the JSR date. In the interest of justice, the Court will consider the Defendants' motion  
12 as a request to extend the JSR date.

13 The Court notes that the Plaintiff has filed a document entitled "Notice of Discovery  
14 Plan" (Dkt. 18), which appears to be an attempt at a JSR. This filing by Plaintiff is unacceptable  
15 as a JSR. First, the JSR is not signed by all parties. Second, the filing does not include the  
16 information required by the Court's Minute Order Regarding Initial Disclosures, Joint Status  
17 Report, and Early Settlement (Dkt. 5). Finally, it appears that Plaintiff has not conferred with the  
18 parties.

19 Pursuant to Federal Rules of Civil Procedure Rule 26(f)(1), the parties must confer by the  
20 date ordered by the court. Plaintiff is responsible for starting the communications needed to  
21 comply with the Court's Minute Order regarding the JSR. Dkt. 5, p. 5. Plaintiff is reminded that  
22 she must comply with the Orders of the Court. Moreover, the Plaintiff is advised that she must  
23 also comply with the Court's Local Rules, which may be found at the Court's website.

24 In the interest in fairness and justice, and in consideration of the health status of  
25 Defendants Indymac and OneWest's counsel, the Plaintiff should be allowed additional time to  
26 confer with Defendants to file a Joint Status Report. For the foregoing reasons, the Defendant's  
27 Motion to continue should be granted to the extent it a request to change the JSR date, and the  
28 JSR deadline should be extended to allow the Plaintiff to file a JSR.

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### III. ORDER

The Court does hereby find and ORDER:

(1) Defendants Indymac and OneWest's Motion to Continue Trial Date (Dkt. 21) is

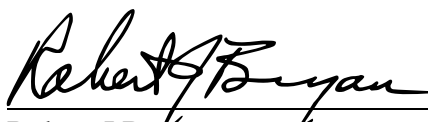
**GRANTED** to the extent it is a request to extend the JSR date;

(2) The Joint Status Report due date is reset to **April 2, 2010**;

(3) Plaintiff is directed to confer with all parties and submit a Joint Status Report in accordance with the Court's Minute Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement; and

(4) The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 5th day of March, 2010.

  
Robert J Bryan  
United States District Judge